Exhibit B

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By Electronic Mail

Jerry Tice
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Re: Cellular Communications Equipment LLC v. HMD Global Oy, No. 20-78 (E.D. Texas)

Dear Mr. Tice:

As you know, during this morning's deposition of CCE's claim construction expert Anthony DeRosa, Mr. DeRose confirmed several times that claim 1 of the '923 patent is indefinite at least under *IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3d 1377 (Fed. Cir. 2005), which states that "reciting both an apparatus and a method of using that apparatus renders a claim indefinite under section 112, paragraph 2." *Id.* at 1384. Specifically, Mr. DeRosa testified:

> Q. To determine whether a person has infringed Claim 1 of the '923 patent, one must consider not only the steps of the method being performed but also the apparatus being used to perform that method, correct?
>
> A. Yes.

DeRosa Rough Tr. at 73:25 to 74:6. Following your examination, which included only leading questions and thus yielded no admissible evidence, Mr. DeRosa reconfirmed his conclusion using different words:

> Q. In order to determine whether a user sending a particular message from a communication terminal infringes Claim 1, you must examine not only whether or not the device has the capability of diverting a message or not diverting a message, but also whether that capability is enabled; correct?
>
> A. I mean, I think that's — yes.

Id. at 93:19 to 94:2. Mr. DeRosa is correct, for the reasons he explained in his deposition, and claim 1 is indefinite least under *IPXL*. CCE may dismiss this case unilaterally under Fed. R. Civ. P. 41(a)(1)(A)(i); we urge you to do so promptly, rather than continue to advance a case that is ultimately doomed to fail.

Very Truly Yours,

Matthew S. Warren